IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1004 OF 2002

M/s. Gandour India Pvt. Ltd.
& Ors. ...Petitioners
(Original Accused
Nos. 1,4 & 5)

V/s

Mr. Amit Sharma & Anr. ...Respondents.

AND

CRIMINAL APPLICATION NO.1040 OF 2002

Mr. Blaise Cornelio ...Petitioner
(Original Accused
No.3)

V/s

Mr. Amit Sharma & Anr. ...Respondents.

Mr. Subodh Desai i/b Federal & Rashmikant for the petitioners in both the above Criminal Applications.

Mr. A.H. Solkar for respondent No.1 in both the above Criminal Applications.

Mr. D.P. Adsule for the State in both the above Criminal Applications.

CORAM: V.M. KANADE, J.
DATE : 23rd February, 2005

P.C.

1. Heard the learned Counsel appearing for the petitioners and the learned Counsel appearing for respondent No.1.

2. Both the above Criminal Applications are being disposed of by this common order.

3. Parties have filed Consent terms which are signed by the parties and their respective counsel. The said Consent Terms are taken on record and marked "X" for identification.

4. It is stated in the Consent Terms that both the parties have settled all disputes, differences and claims and it is agreed that the criminal complaint which is pending in the Court of Metropolitan Magistrate, 21st court, Bandra, Mumbai should also be quashed. The complaint was filed by respondent No.1 against the present petitioners. The process was issued by the Metropolitan Magistrate for an offence punishable under section 420 read with section 34 of the Indian Penal Code. The said offence is compoundable as per the provisions of section 320 of the Criminal Procedure Code.

5. In view of the Consent Terms which are taken on record and marked "X" for identification, the Criminal Complaint No.3/S/2002 pending before the Metropolitan Magistrate, 21st Court, Bandra, Mumbai is hereby quashed and set aside. Needless to state that the process also is quashed and set aside as a result of the dismissal of the complaint.

6. Undertaking given by the parties in para 6 of the Consent Terms is accepted.

7. Both the Criminal Applications are disposed of in the above terms.

V.M. KANADE, J.